



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 15, 1994

Mr. Bob Schmidt
Assistant Attorney General
General Counsel Division
Office of the Attorney General
P. O. Box 12548
Austin, Texas 78711-2548

OR94-126

Dear Mr. Schmidt:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code, formerly V.T.C.S. article 6252-17a.¹ Your request was assigned ID# 24704.

The Environmental Protection Division of the Office of the Attorney General received a request for records relating to an oil spill at 955 East Magnolia in Angleton, Texas. You say you have released copies of all records which are responsive to this request with the exception of portions of two documents, which you assert are excepted from required public disclosure based on section 552.107(1) of the act.

Section 552.107(1) excepts privileged attorney-client communications. *See* Open Records Decision No. 574 (1990). The exception applies to attorney advice or opinion, as well as to client confidences. *See id.* We agree that the marked portions of the two documents consist of privileged attorney-client communications. You may, therefore, withhold these portions pursuant to section 552.107(1) of the act.

¹The Seventy-third Legislature repealed V.T.C.S. article 6252-17a. Acts 1993, 73d Leg., ch. 268, § 46. The Open Records Act is now codified in the the Government Code at chapter 552. *Id.* § 1. This codification of the Open Records Act is a nonsubstantive revision. *Id.* § 47.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Kay Guajardo", written in a cursive style.

Kay Guajardo
Assistant Attorney General
Open Government Section

KHG/rho

Ref.: ID# 24704

Enclosures: Submitted documents

cc: Mr. David L. Ammann
P.O. Box 1705
Kerrville, Texas 78029
(w/o enclosures)